

#### REMARKS/ARGUMENTS

Claims 7-9 and 11-16 are active in the case. Reconsideration is respectfully requested.

The present invention relates to solid pigment preparations.

Applicants' representative wishes to thank Examiner Ali for the helpful and courteous interview of February 23, 2009. As a result of the discussion, it is believed that the issues in the case have been clarified and that the prosecution of the case has been materially advanced.

#### Claim Rejection, 35 USC 103

In the discussion of the interview, applicants' representative emphasized, as has been done on the record previously, that the solid pigment formulation disclosed in the patent is prepared by first preparing a liquid composition comprised of at least one ethylenically unsaturated compound, at least one resin dissolved or dispersed therein and at least one pigment. Thereafter, the unsaturated monomer is subjected to suspension or bulk polymerization which produces a solid spherical pigment containing product. In other words, the polymerization of the ethylenically unsaturated polymerizable compound in the resin results in the encapsulation of the dispersed pigment component in the composition. The patent nowhere discloses the concept or idea of combining a pigment with, specifically, at least one water soluble anionic surface active agent.

During the discussion it was noted that the patent teaches that in the preparation of the pigment dispersion, a suspension stabilizer such as one of the materials identified at the top of column 5 is employed. Example 1 of the patent, in fact, discloses in greater detail the preparation of a pigment/resin material by a sequence of steps including a necessary washing in water step. This means that for any given preparation which contains a water-soluble anionic surface active component, the same is washed away from the pigment in the washing

step. Note the supporting statement at column 5, lines 26 and 27 of the isolation of product, followed by washing and then drying to give the solid pigment, which would be free of any water-soluble anionic surface active component. On the other hand, in the present invention, as described on page 14, lines 23-27 of the present specification, upon the preparation of a suspension of finished pigment, of an additive (B) (at least one water-soluble anionic surface active additive), and optionally additive (C) in water, followed by ball milling, the suspension is spray-dried which results in the complete removal of water leaving a pigment material that contains the water-soluble surface active component. The reference clearly diverges from the present invention at this point. Accordingly, one of skill in the art is not motivated by the patent to prepare a pigment composition that contains anionic surface active material.

Applicants retain their position of record with regard to the Sommer et al patent. The Sommer et al patent discloses a pigment formulation comprised of at least one organic pigment combined with a slightly colored compound having formula I and optionally an anionic, cationic or nonionic surface active agent and customary additives. The compound of formula I is discussed at the bottom of column 10 over into column 11 where it is stated that the compound described in the examples is either applied to pigments or used for dispersing pigments in stoving lacquer systems. Clearly, the Sommer et al patent not only discloses a pigment/slightly colored compound (dispersing agent), which is not at all related to the present invention, nor to that of Takahashi et al. Not only that, but where the reference mentions the use of surfactants for formulation with the pigment/dispersion aid combination, the presence of surface active agents such as anionic surfactants (col 10, lines 1-5) is optional. This is not the case of the present invention. Accordingly, withdrawal of the outstanding grounds of rejection is respectfully requested.

Appln. No. 10/531,586

Reply to the Office Action of November 20, 2008

It is believed that the application is in proper condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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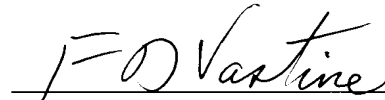
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(OSMMN 06/04)

A handwritten signature in cursive script, reading "F D Vastine", written over a horizontal line.

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